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July 13, 2021

BY ECF

Honorable Gabriel W. Gorenstein
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: In Re: New York City Policing During Summer 2020 Demonstrations
Payne v. DeBlasio, 20-CV-8924 (CM)(GWG)

People v. City of New York, 21-CV-322

Sierra v. City of New York, 20-CV-10291

Wood v. De Blasio, 20-CV-10541

Yates v. New York City, 21-CV-1904

Sow v. City of New York, 21-CV-533

Your Honor:

I am a Senior Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the above-referenced matters on behalf of Defendants. In that capacity, I write to respectfully request that the Court endorse the attached Protective Order to unseal certain records in connection with discovery in the above-captioned cases. Plaintiffs consent to this request.

By way of background plaintiffs in the above-captioned cases have requested documents pertaining to individuals who were arrested during the relevant protests. Defendants have collected documents from the relevant time period, but the process of separating those documents

that are protest-related from those that are not is both challenging and time-consuming. In addition, many of these documents, including arrest information unrelated to the protests, were previously provided to the Attorney General's Office in response to requests made under Executive Law Section 63, and as part of the Attorney General's investigation. Therefore, defendants intend to provide those documents to the plaintiffs in these actions.

The documents covered by the Proposed Order relate to the stops, arrests, and prosecutions of people whose information was "produced to the New York State Attorney General's Office; the New York City Department of Investigation; or the Corporation Counsel of the City of New York; in connection with those entities' investigations of the protests in May and June, 2020; or other records pertaining to the stops and/or arrests and/or prosecution of any non-parties that are otherwise unduly burdensome to separate from responsive records and are sealed pursuant to CPL §§ 160.50 and 160.55" In recognition of the privacy interests of these individuals, the Proposed Order requires parties who receive documents unsealed as a result of the Proposed Order to treat the "personally identifying information of the putative class members and non-parties (other than employees of the Defendant City of New York) contained in such records, including their names, pedigree information (including dates of birth and social security numbers), and contact information (including addresses, phone numbers, and e-mail addresses), ... as Confidential Materials under the Protective Order" entered and filed April 2, 2021 in these consolidated actions (Document 115). In addition, plaintiffs have agreed not to use or publicize in any way the personal information of those arrestees whose arrests are not protest related, including the individuals' names, addresses, arrest charges and other sensitive information. This compromise will allow defendants to produce all relevant documents in a timely manner while still protecting the rights of non-parties to this litigation. Moreover, as discussed in plaintiffs' letter (See Docket Entry No. 161), the Court has the inherent power to unseal these records.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Elissa B. Jacobs

Senior Counsel

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cc: Counsel of record
VIA ECF